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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,380	03/28/2001	Takashi Igarashi	01166/LH	3748
1933	7590	06/14/2005		EXAMINER
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708				GARCIA, GABRIEL I
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,380	IGARASHI ET AL.	
	Examiner	Art Unit	
	Gabriel I. Garcia	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 January 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 March 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

Part III DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- 2.. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Shih et al. (6,674,923).

With regard to claim 1, Shih et al. teaches a network system for providing a printing service (e.g. fig. 14), in which a printing process is conducted in response to print-order information transmitted from a customer (96,98,100 or 102), said system comprising: at least one first server (73) for conducting said printing process based on said print-order information transmitted from a terminal of said customer, whether said at least one first

server is installed in a corresponding at least one laboratory (see fig. 14), is coupled to a printer (86,84,or 88) for producing prints, and comprises a transmitting section for sending transmitting instruction information (e.g. col. 6, lines 28-52, and fig. 14); second server (90 or 104) for providing said print-service (e.g. images stored in memory 94) to said customer through said network system (75), wherein said second server receives at least a part of said print-order information (e.g. col. 7, line 22 thru col. 8, line 24) transmitted from said terminal (102 or 98) of said customer, and comprises an information-storing section to store said print-order information; wherein when said second server (90 or 104) receives said print-order information transmitted from said terminal of said customer, said second server stores said print-order information in said information-storing section without transmitting the received information said first server (e.g. col. 7, line 22 thru col. 8, line 24); wherein when said first server transmits said transmitting instruction information to said second server via said transmitting section to request said second server to transmit said print-order information, said second server transmits said print-order information, stored in said information-storing section, to said first server, and further, said first server conducts said printing process based on said print-order information received from said second server (e.g. col. 7, line 22 thru col. 8, line 24, the data stored in memory 94 is used to process the submitted print request by the photofinishing lab, see fig. 14).

With regard to claim 2, Shih et al. teaches wherein said first server (73) is adapted to receive said print-order information transmitted from said terminal of said customer (96,98,100 or 102) and said second server (90 or 104) is adapted to store image-data

corresponding to said print order information in said information-storing section, and wherein based on said print-order information transmitted from said terminal of said customer, said first server (73) requests said second server to transmit said image-data corresponding to said print-order information, and said first server conducts said printing process based on said print-order information and said image-data transmitted from said second server (e.g. col. 7, line 22 thru col. 8, line 24, the data stored in memory 94 is used to process the submitted print request by the photofinishing lab, see fig. 14).

With regard to claim 3, Shih et al. teaches wherein identification-information (see fig. 10) said customer is adapted to be registered in at least one of said first server and said second server (see col. 3, line 56 thru col. 4, line 20), and said terminal said customer is adapted to be automatically connected to said first server based on said registered identification-information (cols. 7 and 8).

With regard to claim 4, Shih et al. teaches wherein said first server transmits printing-history data to said second server at a predetermined timing, and said second server stores said printing-history data of said first server as a database (e.g. col. 41-43).

With regard to claim 5, Shih et al. teaches wherein said first server stores first template data (e.g. col. 3, lines 49-66, order form is equivalent to the first template).

With regard to claim 6, Shih et al. teaches wherein said second server stores second template data (reads on the form to order stored data), and a data amount of said second template data is less than that of said first template data (e.g. col. 3, line 60 thru col. 4, line 25).

With regard to claims 7-13, the limitations of claims 7-13 are covered by the limitations of claims 1-4 above; Shih et al. teaches the server is installed in the laboratory (see fig. 14).

Conclusion

3. Applicant's arguments filed 1/19/05 have been fully considered but they are not persuasive. With regard to Applicant's argument that Shih does not teach the photofinisher 62 transmits instructions to the server 90 to request print order information to perform a printing process. Examiner disagrees with Applicant's conclusion. Examiner asserts that photofinisher 62 transmits instructions to the server 90 to request print order information to perform a printing process (reads on fig. 14 and col. 6, lines 29-52, which describe how the photofinisher can communicate with the server (90 or 104) as to communicate information as to the processing of the print order, allowing bi directional communication between devices).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Gabriel I. Garcia** whose telephone number is (571) 272-7434. The examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The fax phone number for this group is (571) 272-2600.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.


Gabriel I. Garcia
Primary Examiner
June 12, 2005

GABRIEL GARCIA
PRIMARY EXAMINER